

Exhibit B

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

)
) Civil Action No. 03 MDL 1570 (GBD) (SN)
) ECF Case
)

This document relates to:

Federal Insurance Co., et al. v. al Qaida, et al., No. 03-cv-6978
Vigilant Insurance Co., et al. v. Kingdom of Saudi Arabia, et al., No. 03-cv-8591
Thomas Burnett, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al., No. 03-cv-9849
Estate of John P. O'Neill, Sr., et al. v. Kingdom of Saudi Arabia, et al., No. 04-cv-1922
Continental Casualty Co., et al. v. Al Qaeda, et al., No. 04-cv-5970
Cantor Fitzgerald Assocs., et al. v. Akida Inv. Co., et al., No. 04-cv-7065
Pacific Employers Insurance Co., et al. v. Kingdom of Saudi Arabia, et al., No. 04-cv-7216
Euro Brokers Inc., et al. v. Al Baraka Inv. & Dev. Corp., et al., No. 04-cv-7279
Beazley Furlonge Ltd. v. Saudi Binladin Group, Inc., et al., No. 16-cv-7456
Bowrosen, et al. v. Kingdom of Saudi Arabia, No. 16-cv-8070
McCarthy, et al. v. Kingdom of Saudi Arabia, No. 16-cv-8884
Aguilar, et al. v. Kingdom of Saudi Arabia, et al., No. 16-cv-9663
Addesso, et al. v. Kingdom of Saudi Arabia, et al., No. 16-cv-9937
Hodges, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-117
DeSimone v. Kingdom of Saudi Arabia, No. 17-cv-348
Aiken, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-450
Ashton, et al. v. Kingdom of Saudi Arabia, No. 17-cv-2003
The Underwriting Members of Lloyd's Syndicate 53, et al. v. Kingdom of Saudi Arabia, et al.,
No. 17-cv-2129
The Charter Oak Fire Insurance Co., et al. v. Al Rajhi Bank, et al., No. 17-cv-2651
General Reinsurance Corp., et al. v. Kingdom of Saudi Arabia, No. 17-cv-3810
Abarca, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-3887
Arrowood Indemnity Co. v. Kingdom of Saudi Arabia, et al., No. 17-cv-3908
Abrams, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-4201
Abtello, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-5174
Aasheim, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-5471
Abedhajajreh, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-6123
Allianz Versicherungs-Aktiengesellschaft, et al. v. Kingdom of Saudi Arabia, No. 17-cv-6519
Fraser, et al. v. Al Qaeda Islamic Army, et al., No. 17-cv-7317
Muenchener Rueckversicherungs-Gesellschaft Aktiengesellschaft in Muenchen, et al. v.
Kingdom of Saudi Arabia, et al., No. 17-cv-7914
Abbate, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-8617
Behette, et al. v. Kingdom of Saudi Arabia, et al., No. 18-cv-538
Abarca, et al. v. Kingdom of Saudi Arabia, et al., No. 18-cv-947

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Dillaber, et al. v. Islamic Republic of Iran, et al., No. 18-cv-3162
Leftt, et al. v. Kingdom of Saudi Arabia, et al., No. 18-cv-3353
Global Aerospace, Inc., et al. v. Kingdom of Saudi Arabia, et al., No. 18-cv-5373
IF P&C Ins. Ltd. (Publ) v. Kingdom of Saudi Arabia, et al., No. 18-cv-5383
Acker, et al. v. Kingdom of Saudi Arabia, et al., No. 18-cv-6922
Abustan, et al. v. Kingdom of Saudi Arabia, et al., No. 18-cv-7030
Ascher, et al. v. Kingdom of Saudi Arabia, et al., No. 18-cv-7509
Alarcon, et al. v. Kingdom of Saudi Arabia, et al., No. 18-cv-10779
Napolitano, et al. v. Kingdom of Saudi Arabia, et al., No. 18-cv-10820 *
Alperstein, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11033
Abbate, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11051
Carollo, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11140
Carlo, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11144
Duval, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11157
Carraway, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11191
Anderson, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11212
Flores, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11250
Schwartz, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11251
Abel, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11253
Castro, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11257
Carey, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11259
Gerdes, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11274
Orpilla, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11289
Ainslie, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11293
Brill, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11305
Leoniak, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11308
Michel, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11311
Accardo, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11314
Aiello, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11345
Abrams, et al. v. Kingdom of Saudi Arabia, No. 18-cv-11375

(*) Not yet formally incorporated into MDL 1570.

**DEFENDANT KINGDOM OF SAUDI ARABIA’S RESPONSES AND
OBJECTIONS TO PLAINTIFFS’ FIRST SET OF SUPPLEMENTAL
CONSOLIDATED JURISDICTIONAL REQUESTS FOR PRODUCTION
OF DOCUMENTS DIRECTED TO THE KINGDOM OF SAUDI ARABIA**

Pursuant to the Foreign Sovereign Immunities Act of 1976 (“FSIA”), Federal Rule of Civil Procedure 34 (“Rule 34”), the Memorandum Decision and Order issued by Judge Daniels on March 28, 2018 (ECF No. 3946) (“March 28 Order”), and the Orders issued by Judge Netburn on April 20, 2018 (ECF No. 3968) (“April 20 Order”), and November 29, 2018 (ECF No. 4261) (“November 29 Order”), Defendant Kingdom of Saudi Arabia (“Saudi Arabia”) responds to Plaintiffs’ First Set of Supplemental Consolidated Jurisdictional Requests for Production of Documents Directed to the Kingdom of Saudi Arabia (“Plaintiffs’ Requests”).

PRELIMINARY STATEMENT

Judge Daniels’ March 28 Order directs that “Plaintiffs shall be permitted to conduct limited and targeted jurisdictional discovery critical to answering th[e] question . . . whether and to what extent [Fahad Al] Thumairy, [Omar Al] Bayoumi, and their agents took actions in 2000, at the direction of more senior Saudi officials, to provide assistance to [Nawaf Al] Hazmi, [Khalid Al] Mihdhar, and other 9/11 hijackers.” ECF No. 3946, at 23. That discovery authorization is based on certain allegations in Plaintiffs’ Consolidated Amended Complaint (“CAC,” ECF No. 3463); in the *Ashton* Complaint (No. 17-cv-02003, ECF No. 1); and in Plaintiffs’ Averment of Facts (ECF No. 3463-1), specifically identified in pages 19 through 23 of the March 28 Order. “[A]ll discovery that [Plaintiffs] are seeking needs to be tethered to one of th[e] allegations that Judge Daniels relied upon and is allowing [Plaintiffs] to pursue.” Tr. of Conference at 21:15-17 (Apr. 12, 2018) (ECF No. 3964). In her November 29 Order, Judge Netburn found that Plaintiffs had “set forth a reasonable basis to conduct document discovery

from Saudi Arabia concerning the following three individuals: (1) Musaed Ahmed al-Jarrah; (2) Smail Mana aka Ismail Mana; and (3) Mohamed Sulaiman al Muhanna.” ECF No. 4261, at 1.

OBJECTIONS TO INSTRUCTIONS

Plaintiffs have incorporated their instructions from their First Set of Consolidated Jurisdictional Requests for Production of Documents Directed to the Kingdom of Saudi Arabia, served on April 26, 2018 (“April 26 Requests”). In response, Saudi Arabia incorporates its objections to those instructions as set forth in its Responses and Objections to Plaintiffs’ First Set of Consolidated Jurisdictional Requests for Production of Documents Directed to the Kingdom of Saudi Arabia, served on May 10, 2018 (“May 10 Responses”).

Saudi Arabia further objects to Plaintiffs’ statement that “the relevant time period for these requests” varies depending on “the nature or subject matter of the request,” Plaintiffs’ Requests at 1, which is vague. Except as expressly set forth below, Saudi Arabia will construe Plaintiffs’ Requests as applying to the time frame “from January 1, 1998 through and including September 11, 2001.” *Id.*

OBJECTIONS TO DEFINITIONS

Plaintiffs have incorporated their definitions from their April 26 Requests. In response, Saudi Arabia incorporates its objections to those definitions as set forth in its May 10 Responses.

GENERAL OBJECTIONS

Saudi Arabia incorporates its general objections as set forth in its May 10 Responses, including without limitation the objections on the basis of certain privileges, protections, and immunities set forth in Saudi Arabia’s General Objection No. 2, except as modified below.

General Objection No. 3 is modified only insofar as Saudi Arabia expressly agrees in its Responses to searches of documents in the possession of additional agencies.

General Objection No. 4 is modified only insofar as Saudi Arabia expressly agrees in its Responses to additional searches of the Embassy and Consulate.

RESPONSES

1. For each of the following persons:
 - i. Abdullah Ali Saleh al Jaithen aka Abdullah AS al Jraithen;
 - ii. Musaed Ahmed al Jarrah;
 - iii. Smail Mana aka Ismail Mana;
 - iv. Mohamed Sulaiman al Muhanna;
 - v. Adel Mohamed al Sadhan;
 - vi. Mutaeb Abdelaziz al Sudairy; and
 - vii. Sharif Al-Batikhi;

provide documents concerning

- (a) his hiring by the Saudi government and job title(s), duties, responsibilities, functions, authorities, and any secondments;
- (b) his payments from the Saudi government and the justification for such payments;
- (c) the records of his diplomatic status and/or credentials in the United States;
- (d) each location, including but not limited to a home, apartment, hotel and rooming house, within the State of California where he resided or stayed during the period from January 1, 1999 through and including September 11, 2001;
- (e) his assignment to, tasks, and activities within the State of California;
- (f) his passport and visa records;
- (g) the name(s), job titles, and responsibilities of his supervisors and/or any persons to whom he reported in relation to his work;
- (h) the name(s), job titles, and responsibilities of the persons that he supervised and/or any persons who reported to him in relation to their work;
- (i) his travel from January 1, 1999 through September 11, 2001, including but not limited to flights, hotels, car rentals and travel expenses, and the purpose of said travel;

(j) any meeting, communication, contact, transaction, or relationship that he had with (1) Omar al Bayoumi; (2) Fahad al Thumairy; (3) Khalid al Sowailam; (4) the King Fahad Mosque and/or The Islamic Foundation of Sheikh Ibn Taymiyah, including but not limited to any officer or employee of the King Fahad Mosque and/or The Islamic Foundation of Sheikh Ibn Taymiyah; (5) Abdussattar Shaikh; (6) Caysan Bin Don aka Isamu Dyson; or (7) any of the 9/ 11 Hijackers.

RESPONSE: Saudi Arabia incorporates by reference its Objections to Instructions, Objections to Definitions, and General Objections. Saudi Arabia further objects that this Request exceeds the scope of permissible discovery because it goes beyond what is necessary to verify specific facts identified by Judge Daniels in the March 28 Order. Further, to the extent this Request applies to Abdullah Al Jaithen, Adel Mohamed Al Sadhan; Mutaeb Abdelaziz Al Sudairy, and Sharif Al Batikhi, it has been rejected by Judge Netburn in the November 29 Order and Saudi Arabia will not address it further.

Subject to and without waiving its objections, Saudi Arabia will conduct reasonable searches as follows:

Hiring, Job Title(s), Duties, Responsibilities, Functions, Authorities, and Any Secondments

In response to Request 1(a), Saudi Arabia will search for Documents constituting the personnel files of Musaед Ahmed Al Jarrah (“Al Jarrah”); Smail or Ismail Mana (“Mana”); and Mohamed Sulaiman Al Muhanna (“Al Muhanna”). As to Al Jarrah, Saudi Arabia will search for any such file in the possession of the Ministry of Education or the Embassy. As to Mana and Al Muhanna, Saudi Arabia will search for any such file in the possession of the Ministry of Islamic Affairs, the Embassy, or the Consulate. Saudi Arabia will produce any such file in its entirety, as kept in the ordinary course of business, without regard to the dates of particular Documents contained in the file, unless such Documents are subject to a privilege, protection, or immunity against discovery.

Payments from the Saudi Government and the Justification for Such Payments

In response to Request 1(b), Saudi Arabia will search for Documents for the period from January 1, 1998, to September 11, 2001, sufficient to identify any compensation or funding (as defined in, *e.g.*, Response No. 23 of Saudi Arabia's May 10 Responses) from Saudi Arabia to Al Jarrah, Mana, or Al Muhanna. As to Al Jarrah, Saudi Arabia will search for such Documents in the possession of the Embassy. As to Mana and Al Muhanna, Saudi Arabia will search for such Documents in the possession of the Ministry of Islamic Affairs, the Embassy, or the Consulate. Saudi Arabia will produce responsive Documents that are not subject to any privilege, protection, or immunity against discovery.

Records of Diplomatic Status and/or Credentials

In response to Request 1(c), Saudi Arabia will search for Documents for the period from January 1, 1998, to September 11, 2001, concerning the diplomatic status and/or credentials, if any, of Al Jarrah, Mana, and/or Al Muhanna. Saudi Arabia will search for such Documents in the possession of the Embassy or the Consulate. Saudi Arabia will produce responsive Documents that are not subject to any privilege, protection, or immunity against discovery.

Residences and/or Temporary Stays in California

In response to Request 1(d), Saudi Arabia will search for Documents for the period from January 1, 1999, to September 11, 2001, sufficient to show any location in California at which Al Jarrah, Mana, or Al Muhanna stayed during that period. Saudi Arabia will search for such Documents in the possession of the Embassy or the Consulate. Saudi Arabia will produce responsive Documents that are not subject to any privilege, protection, or immunity against discovery.

Assignment to, Tasks, and Activities Within the State of California

In response to Request 1(e), Saudi Arabia objects that it would exceed the scope of discovery to search for Documents concerning any assignment, task, or activity within the State of California for any of Al Jarrah, Mana, and/or Al Muhanna. Request 1(e) is especially overbroad as to Mana and Al Muhanna because their workplaces were in California for at least part of the relevant period. Subject to and without waiving its objections, Saudi Arabia will search for Documents for the period from January 1, 1998, to September 11, 2001, concerning any assignment, task, or activity within the State of California of Al Jarrah, Mana, and/or Al Muhanna, to the extent such assignment, task, or activity relates to Al Thumairy or to Al Bayoumi. As to Al Jarrah, Saudi Arabia will search for any such Documents in the possession of the Embassy or the Consulate. As to Mana and Al Muhanna, Saudi Arabia will search for any such Documents in the possession of the Ministry of Islamic Affairs, the Embassy, or the Consulate. Saudi Arabia will produce responsive Documents that are not subject to any privilege, protection, or immunity against discovery.

Passports and/or Visa Records

In response to Request 1(f), Saudi Arabia will search for Documents for the period from January 1, 1998, to September 11, 2001, constituting passports and/or visa records for Al Jarrah, Mana, or Al Muhanna. As to Al Jarrah, Saudi Arabia will search for any such Documents in the possession of the Embassy. As to Mana and Al Muhanna, Saudi Arabia will search for any such Documents in the possession of the Ministry of Islamic Affairs, the Embassy, or the Consulate. In addition, Saudi Arabia will make a targeted request to its Ministry of the Interior for passport applications and entry/exit data concerning the three individuals; and, to the extent Saudi Arabia is able to contact the three individuals, it will ask whether they will produce voluntarily any

passports in their possession from the relevant period. Saudi Arabia will produce responsive Documents that are not subject to any privilege, protection, or immunity against discovery.

Names, Job Titles, and Responsibilities of Supervisors and Supervisees

In response to Requests 1(g) and 1(h), Saudi Arabia objects that it would exceed the scope of discovery to search for all Documents concerning the name(s), job titles, and responsibilities of any persons who supervised or were supervised by any of Al Jarrah, Mana, or Al Muhanna. Rather, Al Jarrah, Mana, and Al Muhanna are within the scope of discovery only insofar as Plaintiffs allege that they may have given directions to or received directions from Al Thumairy or Al Bayoumi. Also, Saudi Arabia's production in response to Requests 1(a) and/or 1(j) is likely to provide any relevant Documents that may exist on this subject. Subject to and without waiving its objections, Saudi Arabia will search for Documents for the period from January 1, 1998, to September 11, 2001, concerning any supervisory relationship between (a) any of Al Jarrah, Mana, or Al Muhanna, and (b) either Al Bayoumi or Al Thumairy. As to Al Jarrah, Saudi Arabia will search for any such Documents in the possession of the Embassy. As to Mana and Al Muhanna, Saudi Arabia will search for any such Documents in the possession of the Ministry of Islamic Affairs, the Embassy, and the Consulate. Saudi Arabia will produce responsive Documents that are not subject to any privilege, protection, or immunity against discovery.

Travel Records

In response to Request 1(i), Saudi Arabia will search for Documents for the period from January 1, 1999, to September 11, 2001, constituting travel records for Al Jarrah, Mana, or Al Muhanna. As to Al Jarrah, Saudi Arabia will search for any such Documents in the possession of the Embassy. As to Mana and Al Muhanna, Saudi Arabia will search for any such Documents

in the possession of the Ministry of Islamic Affairs, the Embassy, or the Consulate. Saudi Arabia will produce responsive Documents that are not subject to any privilege, protection, or immunity against discovery.

Meetings, Communications, Contacts, Transactions, and/or Relationships

In response to Request 1(j), Saudi Arabia objects that it would exceed the scope of discovery to search for Documents concerning all contacts with any of Al Jarrah, Mana, or Al Muhanna and any of the listed individuals or organizations. Subject to and without waiving its objections, Saudi Arabia expects that, in responding to Plaintiffs' other requests, it will be necessary to search as detailed above for Documents that mention Al Jarrah, Mana, or Al Muhanna and that are from the relevant time period. To the extent such searches reveal Documents that also mention any of the other listed individuals or organizations, Saudi Arabia will consider such Documents responsive notwithstanding the scope objections set forth above. Saudi Arabia will produce responsive Documents that are not subject to any privilege, protection, or immunity against discovery.

Timing of Searches of the Embassy and the Consulate

As set forth above, Saudi Arabia will search the Embassy and the Consulate for certain Documents responsive to Plaintiffs' Requests. Some of Plaintiffs' Requests in their pending motion to compel, filed under seal on November 30, 2018, would, if granted by the Court, likely require additional searches of the Embassy and the Consulate. To increase efficiency and reduce the burden and disruption of such searches, Saudi Arabia intends to conduct only one additional round of such searches. Accordingly, Saudi Arabia will wait until the Court has resolved the pending motion to compel, and then conduct a single round of searches of the Embassy and the

Consulate that covers both the searches set forth above and any additional searches required to respond to the Court's order resolving Plaintiffs' motion to compel.

Dated: December 7, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on this 7th day of December 2018, I caused a copy of the foregoing to be served on counsel for Plaintiffs via electronic means.

/s/ Michael K. Kellogg
Michael K. Kellogg
Attorney for the Kingdom of Saudi Arabia